



General Assembly

Distr.
LIMITED

A/C.3/52/L.44
18 November 1997

ORIGINAL: ENGLISH

Fifty-second session
THIRD COMMITTEE
Agenda item 112 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS,
INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING
THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Burundi, China, Cuba, Democratic People's Republic of Korea,
Iraq, Lao People's Democratic Republic, Libyan Arab Jamahiriya,
Myanmar, Namibia, Sudan, Syrian Arab Republic and Viet Nam:
draft resolution

Respect for the principles of national sovereignty and
non-interference in the internal affairs of States in
their electoral processes

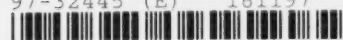
The General Assembly,

Reaffirming the purpose of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace,

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling also its resolution 2625 (XXV) of 24 October 1970, by which it approved the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Recalling further the principle enshrined in Article 2, paragraph 7, of the Charter of the United Nations, which establishes that nothing contained in the Charter shall authorize the United Nations to intervene in matters that are



essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the Charter,

Reaffirming the obligation of Member States to comply with the principles of the Charter and the resolutions of the United Nations regarding the right to self-determination, by virtue of which all peoples can freely determine, without external interference, their political status and freely pursue their economic, social and cultural development,

Recognizing that the principles of national sovereignty and non-interference in the internal affairs of any State should be respected in the holding of elections,

Recognizing also that there is no single political system or single universal model for electoral processes equally suited to all nations and their peoples, and that political systems and electoral processes are subject to historical, political, cultural and religious factors,

Convinced that the establishment of the necessary mechanisms and means to guarantee full and effective popular participation in electoral processes corresponds to States,

Recalling all its previous resolutions in this regard, particularly its resolution 50/172 of 22 December 1995,

Welcoming the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,¹ in which the Conference reaffirmed that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter,

1. Reiterates that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right, freely and without external interference, to determine their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect that right in accordance with the provisions of the Charter;

2. Reaffirms that it is the concern solely of peoples to determine methods and to establish institutions regarding the electoral process, as well as to determine the ways for its implementation according to their constitution and national legislation, and that, consequently, States should establish the necessary mechanisms and means to guarantee full and effective popular participation in those processes;

3. Also reaffirms that any activities that attempt, directly or indirectly, to interfere in the free development of national electoral processes, in particular in the developing countries, or that are intended to sway the results of such processes, violate the spirit and letter of the

¹ A/CONF.157/24 (Part I), chap. III.

principles established in the Charter and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations;

4. Further reaffirms that electoral assistance to Member States should be provided by the United Nations only at the request and with the consent of specific sovereign States, in strict conformity with the principles of sovereignty and non-interference in the internal affairs of States, or in special circumstances such as cases of decolonization, or in the context of regional or international peace processes;

5. Strongly appeals to all States to refrain from financing or providing, directly or indirectly, any other form of overt or covert support for political parties or groups and from taking actions to undermine the electoral processes in any country;

6. Recognizes that the form of democracy must emerge from each people, as suited to the nation's history, size, cultural diversity and value systems, and that political systems need to be understood by the peoples they serve;

7. Condemns any act of armed aggression or threat or use of force against peoples, their elected Governments or their legitimate leaders;

8. Reaffirms that all countries have the obligation under the Charter to respect the right of others to self-determination and to determine freely their political status and pursue their economic, social and cultural development;

9. Decides to consider this question at its fifty-fourth session under the item entitled "Human rights questions".



General Assembly

Distr.
LIMITED

A/C.3/52/L.45
18 November 1997

ORIGINAL: ENGLISH

Fifty-second session
THIRD COMMITTEE
Agenda item 112 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS,
INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING
THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Afghanistan, Argentina, Armenia, Australia, Austria, Belarus,
Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Costa Rica,
Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Ethiopia,
Fiji, Finland, France, Georgia, Germany, Haiti, Hungary, Iceland,
Ireland, Israel, Italy, Japan, Kyrgyzstan, Luxembourg, Malawi,
Mali, Malta, Marshall Islands, Monaco, Netherlands, Nicaragua,
Norway, Paraguay, Poland, Portugal, Republic of Korea, Republic
of Moldova, Romania, Saint Vincent and the Grenadines, Sierra
Leone, Slovakia, Sweden, Turkey, United Kingdom of Great Britain
and Northern Ireland, United States of America and Venezuela:
draft resolution

Strengthening the role of the United Nations in enhancing
the effectiveness of the principle of periodic and genuine
elections and the promotion of democratization

The General Assembly,

Recalling its previous resolutions on the subject, in particular
resolutions 50/185 of 22 December 1995 and 49/190 of 23 December 1994,

Reaffirming that United Nations electoral assistance and support for the
promotion of democratization are provided only at the specific request of the
Member State concerned,

Recognizing the usefulness of a comprehensive and balanced approach in the
activities carried out by the United Nations in this field in order to
contribute to the strengthening of both democracy and all human rights within
the country concerned,



Acknowledging that United Nations electoral assistance has facilitated the holding of successful elections in several Member States which resulted in the orderly and non-violent assumption of office by elected officials, recognizing that elections can be free and fair only if held free of coercion and intimidation, and underlining the importance of respect for the results of elections that have been verified as free and fair,

Taking note of the progress review and recommendations adopted by the Third International Conference of the New or Restored Democracies on Democracy and Development,¹ held at Bucharest, Romania, from 2 to 4 September 1997, in particular the recognition that the organization and administration of elections in the new or restored democracies often benefit from the help of outside resources and expertise and the request that higher priority be given in resource allocation to governance, democracy and participation programmes in order to sustain the momentum of current progress in holding elections,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,² in particular the recognition therein that assistance provided upon the request of Governments for the conduct of free and fair elections is of particular importance in the strengthening of a pluralistic civil society,

Noting the establishment of the Association of African Election Authorities which held its founding meeting at Kampala, Uganda, from 14 to 16 January 1997,

Welcoming the support provided by States to the electoral assistance activities of the United Nations, inter alia, through the provision of electoral experts and observers, as well as through contributions to the United Nations Trust Fund for Electoral Observation,

Noting the continuing submission and evolving nature of requests for electoral assistance by Member States,

Noting also that first-time democratic elections have already been held in many Member States, creating a need for reassessment and adaptation of the forms of assistance routinely provided previously, in particular to meet the needs of supporting subsequent elections,

Recognizing the need for strengthening national capacity-building, electoral institutions and civic education in the requesting countries in order to consolidate and regularize the achievements of previous elections,

Having considered the report of the Secretary-General on enhancing the effectiveness of the principle of periodic and genuine elections,³

¹ A/52/334, annex, appendix.

² A/CONF.157/24 (Part I), chap. III.

³ A/52/474.

1. Takes note with appreciation of the report of the Secretary-General on United Nations activities aimed at enhancing the effectiveness of the principle of periodic and genuine elections;
2. Commends the electoral assistance provided to Member States at their request by the United Nations, and requests that such assistance continue on a case-by-case basis in accordance with the guidelines on electoral assistance, recognizing that the fundamental responsibility of organizing free and fair elections lies with Governments;
3. Requests the Electoral Assistance Division of the Department of Political Affairs of the Secretariat to continue to inform Member States on a regular basis about the requests received, responses given to those requests and the nature of the assistance provided;
4. Also requests that the United Nations continue its efforts to ensure, before undertaking to provide electoral assistance to a requesting State, that there is adequate time to organize and carry out an effective mission for providing such assistance, that conditions exist to allow a free and fair election and that provisions can be made for adequate and comprehensive reporting of the results of the mission;
5. Commends the steps taken by the United Nations to ensure the continuation and consolidation of the democratization process in certain Member States requesting assistance, including the provision of technical advice on such issues as, inter alia, election organization and budgets, electoral laws, domestic procurement, training, computerization and comparative electoral systems, before and after elections have taken place, and needs-assessment missions aimed at recommending programmes that might contribute to the consolidating of the democratization process, and requests that such efforts be strengthened;
6. Recommends that the Electoral Assistance Division continue to provide post-election assistance, as appropriate, to requesting States and electoral institutions, in order to contribute to the sustainability of their electoral processes, as provided for in the report of the Secretary-General, and that it study, in cooperation with relevant United Nations offices, ways of defining more clearly the activities related to democratic consolidation that the United Nations might usefully undertake in assisting the efforts of interested States in this regard;
7. Also recommends that United Nations electoral assistance be geared towards comprehensive observation of the electoral process, beginning with registration and other pre-election activities and continuing through the campaign, election day and the announcement of the election results, in instances where more than technical assistance is required by the requesting State;
8. Requests the Secretary-General to take further steps to support States that request assistance by, inter alia, enabling the United Nations High Commissioner for Human Rights, in accordance with her mandate, to support democratization activities related to human rights concerns, including,

inter alia, human rights training and education, assistance for human rights-related legislative reform, strengthening and reform of the judiciary, assistance to national human rights institutions and advisory services on treaty accession, reporting and international obligations as related to human rights;

9. Requests the United Nations Development Programme to continue its commendable programmes of assistance for governance, in particular those for strengthening democratic institutions, and participation and linkages between concerned sectors of society and Governments;

10. Recalls the establishment by the Secretary-General of the United Nations Trust Fund for Electoral Observation, and calls upon Member States to consider contributing to the Fund;

11. Stresses the importance of reinforced coordination within the United Nations system, including cooperation with all relevant departments within the United Nations Secretariat, the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme and the United Nations Volunteers, which provide advisory services and technical assistance to requesting Member States, underlines the need for the prompt exchange of information concerning requests for electoral assistance by Member States directed to any of the aforementioned entities, and encourages the Electoral Assistance Division to strengthen its collaboration with those entities, including through an exchange of personnel when appropriate;

12. Notes with appreciation additional efforts being made to enhance cooperation with other international, governmental and non-governmental organizations in order to facilitate more comprehensive and need-specific responses to requests for electoral assistance, and expresses appreciation to those Member States, regional organizations and non-governmental organizations that have provided observers or technical experts in support of United Nations electoral assistance efforts;

13. Encourages the Secretary-General, through the Electoral Assistance Division, to respond to the evolving nature of requests for assistance and the growing need for specific types of medium-term expert assistance aimed at supporting and strengthening the existing capacity of the requesting Government, in particular through enhancing the capacity of national electoral institutions;

14. Requests the Secretary-General to provide the Electoral Assistance Division with adequate human and financial resources to allow it to carry out its mandate, and to continue to ensure that the Office of the United Nations High Commissioner for Human Rights is able to respond, within its mandate and in close coordination with the Electoral Assistance Division, to the increasing number of requests from Member States for advisory services;

15. Recommends that the Secretary-General consider ways to continue to improve coordination and to strengthen further the efforts of the Electoral Assistance Division, the Office of the United Nations High Commissioner for Human Rights and the United Nations system in general to respond to its increased and evolving responsibilities in the field of electoral assistance and democratization as reflected in the present resolution, and to include his

recommendations in this regard in his report to the General Assembly at its fifty-fourth session;

16. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution, in particular on the status of requests from Member States for electoral assistance and verification, and on his efforts to enhance the Organization's support of the democratization process in Member States.



General Assembly

Distr.
LIMITED

A/C.3/52/L.46
18 November 1997

ORIGINAL: ENGLISH

Fifty-second session
THIRD COMMITTEE
Agenda item 112 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS,
INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING
THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Afghanistan, China, Cuba, Democratic People's Republic of Korea,
Iran (Islamic Republic of), Iraq, Libyan Arab Jamahiriya,
Myanmar, Sudan and Syrian Arab Republic: draft resolution

Human rights and unilateral coercive measures

The General Assembly,

Recalling its resolution 51/103 of 12 December 1996,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1994, in particular article 32 thereof, in which it is declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Taking note of the report submitted by the Secretary-General¹ pursuant to Commission on Human Rights resolution 1995/45 of 3 March 1995,²

¹ E/CN.4/1996/45 and Add.1.

² See Official Records of the Economic and Social Council, 1995, Supplement No. 3 and corrigenda (E/1995/23 and Corr.1 and 2), chap. II, sect. A.

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and, in this regard, reaffirming the right to development as an integral part of all human rights,

Recalling that the World Conference on Human Rights called upon States to refrain from any unilateral coercive measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development, adopted by the World Summit for Social Development on 12 March 1995,² the Beijing Declaration and Platform of Action, adopted by the Fourth World Conference on Women on 15 September 1995, and the Istanbul Declaration on Human Settlements and the Habitat Agenda, adopted by the United Nations Conference on Human Settlements (Habitat II) on 14 June 1996,

Deeply concerned that, despite the recommendations adopted on this issue by the General Assembly and recent major United Nations conferences, and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their extraterritorial effects, inter alia, on the economic and social development of targeted countries and peoples and individuals under the jurisdiction of other States,

Noting the continuing efforts of the Working Group on the Right to Development and reaffirming in particular its criteria according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,

1. Urges all States to refrain from adopting or implementing any unilateral measure not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the

¹ A/CONF.157/24 (Part I), chap. III, sect. I, para. 31.

² Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995 (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

³ Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

⁴ Report of the United Nations Conference on Human Settlements, (Habitat II), Istanbul, 3-14 June 1996 (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annexes I and II.

⁵ Resolution 41/128, annex.

Universal Declaration of Human Rights^{*} and other international human rights instruments, in particular the right of individuals and peoples to development;

2. Rejects unilateral coercive measures with all their extraterritorial effects as tools for political or economic pressure against any country, in particular against developing countries, because of their negative effects on the realization of all the human rights of vast sectors of their populations, in particular children, women and the elderly;

3. Calls upon Member States that have initiated such measures to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are party by revoking such measures at the earliest time possible;

4. Reaffirms, in this context, the right of all people to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

5. Urges the Commission on Human Rights to take fully into account the negative impact of unilateral coercive measures, including enactment of national laws and their extraterritorial application, in its task concerning the implementation of the right to development;

6. Requests the United Nations High Commissioner for Human Rights, in discharging her functions relating to the promotion, realization and protection of the right to development, to give urgent consideration to the present resolution in her annual report to the General Assembly;

7. Requests the Secretary-General to bring the present resolution to the attention of all Member States and seek their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit accordingly a report thereon to the General Assembly at its fifty-third session;

8. Decides to examine this question, on a priority basis, at its fifty-third session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

^{*} Resolution 217 A (III).



General Assembly

Distr.
LIMITED

A/C.3/52/L.47
18 November 1997

ORIGINAL: ENGLISH

Fifty-second session
THIRD COMMITTEE
Agenda item 112 (b)

HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Cuba: draft resolution

Respect for the right to universal freedom of travel and the vital importance of family reunification

The General Assembly,

Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated,

Recalling the provisions of the Universal Declaration of Human Rights,¹

Stressing that, as stated in the Programme of Action of the International Conference on Population and Development,² family reunification of documented migrants is an important factor in international migration and that remittances by documented migrants to their countries of origin often constitute a very important source of foreign exchange and are instrumental in improving the well-being of relatives left behind,

Recalling also its resolution 51/89 of 12 December 1996,

¹ Resolution 217 A (III).

² Report of the International Conference on Population and Development, Cairo, 5-13 September 1994 (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.



1. Once again calls upon all States to guarantee the universally recognized freedom of travel to all foreign nationals legally residing in their territory;
 2. Reaffirms that all Governments, particularly those of receiving countries, must recognize the vital importance of family reunification and promote its incorporation into national legislation in order to ensure protection of the unity of families of documented migrants;
 3. Calls upon all States to allow, in conformity with international legislation, the free flow of financial remittances by foreign nationals residing in their territory to their relatives in the country of origin;
 4. Also calls upon all States to refrain from enacting, and to repeal if it already exists, legislation intended as a coercive measure that discriminates against individuals or groups of legal migrants by adversely affecting family reunification and the right to send financial remittance to relatives in the country of origin;
 5. Decides to continue its consideration of this question at its fifty-third session under the item entitled "Human rights questions".
-



General Assembly

Distr.
LIMITED

A/C.3/52/L.48
18 November 1997

ORIGINAL: ENGLISH

Fifty-second session
THIRD COMMITTEE
Agenda item 112 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS,
INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING
THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia
and Herzegovina, Bulgaria, Canada, Côte d'Ivoire, Cyprus,
Denmark, Finland, France, Georgia, Germany, Greece, Hungary,
Iceland, Ireland, Italy, Latvia, Luxembourg, Malta, Monaco,
Netherlands, New Zealand, Portugal, Republic of Moldova, Romania,
San Marino, Spain, Sweden, the former Yugoslav Republic of
Macedonia, United Kingdom of Great Britain and Northern Ireland
and Venezuela: draft resolution

Elimination of all forms of religious intolerance

The General Assembly,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter,

Reaffirming also its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,



Recalling article 18 of the International Covenant on Civil and Political Rights,¹

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others,

Reaffirming the call of the World Conference on Human Rights for all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,²

Calling upon all Governments to cooperate with the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief to enable him to carry out his mandate fully,

Alarmed that serious instances of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion motivated by religious intolerance, occur in many parts of the world and threaten the enjoyment of human rights and fundamental freedoms,

Deeply concerned that, as reported by the Special Rapporteur, the rights violated on religious grounds include the right to life, the right to physical integrity and to liberty and security of person, the right to freedom of expression, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment and the right not to be arbitrarily arrested or detained,³

Believing that further efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief,

1. Reaffirms that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. Urges States to ensure that their constitutional and legal systems provide adequate and effective guarantees of freedom of thought, conscience,

¹ See resolution 2200 A (XXI), annex.

² See A/CONF.157/24 (Part I), chap. III, sect. II, para. 22.

³ See E/CN.4/1994/79, para. 103.

religion and belief, including the provision of effective remedies in cases where the right to freedom of religion or belief is violated;

3. Also urges States to ensure, in particular, that no one within their jurisdiction is, because of his or her religion or belief, deprived of the right to life or the right to liberty and security of person, or subjected to torture or arbitrary arrest or detention;

4. Further urges States, in conformity with international standards of human rights, to take all necessary action to prevent such instances, to take all appropriate measures to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by religious intolerance and to encourage, through the educational system and by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief;

5. Recognizes that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief;

6. Emphasizes that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

7. Urges States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

8. Calls upon all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for those purposes;

9. Expresses its grave concern at any attack upon religious places, sites and shrines, and calls upon all States, in accordance with their national legislation and in conformity with international human rights standards, to exert utmost efforts to ensure that such places, sites and shrines are fully respected and protected;

10. Recognizes that the exercise of tolerance and non-discrimination by persons and groups is necessary for the full realization of the aims of the Declaration;

11. Encourages the continued efforts on the part of the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief, appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

12. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

13. Also encourages Governments, when seeking the assistance of the United Nations programme of advisory services and technical assistance in the field of human rights, to consider, where appropriate, including requests for assistance in the field of the promotion and protection of the right to freedom of thought, conscience and religion;

14. Welcomes and encourages the efforts of non-governmental organizations and religious bodies and groups to promote the implementation of the Declaration, and invites them to consider what further contribution they could make to its implementation and dissemination in all parts of the world;

15. Requests the Commission on Human Rights to continue its consideration of measures to implement the Declaration;

16. Requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-third session;

17. Requests the Secretary-General to ensure that the Special Rapporteur receives the necessary staffing, financial and material resources to enable him to discharge in full and on time his mandate;

18. Decides to consider the question of the elimination of all forms of religious intolerance at its fifty-third session under the item entitled "Human rights questions".



General Assembly

Distr.
LIMITED

A/C.3/52/L.49
19 November 1997

ORIGINAL: ENGLISH

Fifty-second session
THIRD COMMITTEE
Agenda item 112 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Argentina, Austria, Belarus, Belgium, Bosnia and Herzegovina,
Brazil, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire,
Croatia, Czech Republic, Estonia, Finland, France, Georgia,
Germany, Greece, Hungary, Italy, Kyrgyzstan, Latvia, Lithuania,
Luxembourg, Malawi, Malta, Mexico, Monaco, Mongolia, Nicaragua,
Norway, Panama, Poland, Portugal, Romania, San Marino, Slovakia,
Slovenia, South Africa, Spain, Sweden, the former Yugoslav
Republic of Macedonia, Ukraine, United Kingdom of Great Britain
and Northern Ireland, Uzbekistan and Venezuela: draft resolution

Fiftieth anniversary of the Universal Declaration of Human Rights

The General Assembly,

Recalling that in adopting the Universal Declaration of Human Rights¹ on 10 December 1948, it recognized the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Considering that the fiftieth anniversary of the Declaration provides an opportunity for the United Nations and its Member States to redouble their efforts to promote awareness and strengthened observance of the rights set out in the Declaration, and in other international instruments and declarations in the field of human rights adopted subsequently,

¹ Resolution 217 (III) A.

Recognizing the Declaration as a common standard of achievement for all peoples and all nations as well as the source of inspiration and the basis of subsequent progress in the field of human rights,

Concerned that international human rights standards are not fully and universally respected, that human rights continue to be violated in all parts of the world and that people still suffer misery and are deprived of full enjoyment of their civil, cultural, economic, political and social rights, and convinced of the necessity to respect fundamental human rights in all situations and to strengthen the United Nations in this regard,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and that while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Convinced of the necessity of protecting and promoting human rights and fundamental freedoms and determined to take new steps forward, nationally and with the increased cooperation and solidarity of the international community, with a view to achieving substantial progress in human rights,

Recalling the significance of the Vienna Declaration and Programme of Action¹ as a milestone in the recognition and progressive development of all human rights and fundamental freedoms for all by the international community,

Stressing the importance of ensuring that full attention is given to the integration of the human rights of women into all preparations for and celebrations of the fiftieth anniversary of the Universal Declaration of Human Rights,

Recognizing the fundamental importance of tolerance as an essential element in promoting a culture conducive to the acceptance of diversity and pluralism, and thereby to the fuller enjoyment of human rights,

Affirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Stressing the fact that realization of the full range of human rights requires effective policies and compliance at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

¹ A/CONF.157/24 (Part I), chap. III, sect. I, para. 3.

² Ibid., chap. III.

Convinced that, in the light of the existing level of standard-setting in the field of human rights, a primary task of the United Nations is to promote the universal ratification of or accession to existing international instruments and their full implementation by all States parties to those instruments,

Recalling the decision of the General Assembly to convene, during its fifty-third session, a one-day plenary meeting, on 10 December 1998, to celebrate the fiftieth anniversary of the Declaration,⁴

Welcoming the international and national initiatives to commemorate the fiftieth anniversary of the Declaration, and commending the efforts made in all regions of the world to promote all human rights and fundamental freedoms,

1. Welcomes the activities undertaken by the United Nations High Commissioner for Human Rights to contribute to the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights, and requests her to continue to coordinate all relevant activities within the United Nations system, bearing in mind the provisions of the Vienna Declaration and Programme of Action⁵ for evaluation and follow-up;
2. Encourages all Governments and other actors to undertake additional efforts to develop education and information programmes, with a view to disseminating the text of the Universal Declaration of Human Rights and arriving at a better understanding thereof, and emphasizes in that regard the primary importance of grass-roots initiatives in promoting, through education and the media, a culture of all human rights and fundamental freedoms;
3. Invites Governments and the international community to continue to review and assess the progress made in the field of human rights since the adoption of the Declaration, to identify obstacles and ways in which they can be overcome, both through measures at the national level and through enhanced international cooperation, with a view to ensuring full enjoyment of all human rights and fundamental freedoms for all, taking into account developments that have taken place during the past fifty years;
4. Urges Governments to endorse and implement national programmes for the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights and to ensure wide participation, including the participation of public administration institutions, national institutions, non-governmental organizations, academic circles and all strata of civil society, and thereby to bring the letter and spirit of the Declaration to the awareness of all;
5. Urges those Governments that have not yet ratified the international human rights treaties and protocols adopted within the framework of the United Nations system to consider doing so, and calls on all Governments to implement fully their international obligations in the field of human rights;
6. Invites the human rights treaty bodies to give appropriate attention, within their mandates and methods of work, to the fiftieth anniversary of the

⁴ Resolution 51/88, para. 8.

Universal Declaration of Human Rights and to reflect on their possible contribution to the above-mentioned preparations;

7. Calls upon relevant United Nations organs and agencies - in the light of the principles set forth in the Universal Declaration of Human Rights - to make, within their respective mandates and fields of action, an assessment of, and to put forward pertinent conclusions on, the state of implementation and the impact of existing international human rights instruments;

8. Invites relevant United Nations organs and agencies, in coordination with the United Nations High Commissioner for Human Rights, to mark the anniversary by intensifying their own contributions to United Nations system-wide efforts to promote and protect all human rights and fundamental freedoms;

9. Invites Governments, the United Nations Secretariat, the Department of Public Information of the Secretariat, relevant organs and agencies of the United Nations system within their respective mandates, including the United Nations Educational, Scientific and Cultural Organization, other international organizations and non-governmental organizations, to disseminate widely the Universal Declaration of Human Rights, as well as other international instruments in the field of human rights, with a view to ensuring the universality and full and comprehensive enjoyment of all human rights and fundamental freedoms;

10. Reaffirms its commitment to continue building on the inspiration of the Universal Declaration of Human Rights through the development of international human rights standards and of mechanisms for their promotion and protection, and taking into account developments over the past fifty years;

11. Encourages national human rights institutions, such as human rights commissions, ombudspersons and others, to play a significant role in the activities marking the fiftieth anniversary of the Declaration;

12. Invites non-governmental organizations to participate fully in the preparation and commemoration of the fiftieth anniversary of the Declaration and to intensify their campaign for greater understanding and better use of the Declaration;

13. Encourages the Commission on Human Rights, at its fifty-fourth session, to give the fiftieth anniversary of the Declaration the attention commensurate with its historical significance.



General Assembly

Distr.
LIMITED

A/C.3/52/L.50
19 November 1997

ORIGINAL: ENGLISH

Fifty-second session
THIRD COMMITTEE
Agenda item 112 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING
ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT
OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Australia, Brazil, Bulgaria, Canada, Costa Rica, Côte d'Ivoire,
Cyprus, Czech Republic, Denmark, Finland, France, Georgia,
Germany, Greece, Ireland, Italy, Japan, Luxembourg, Malta,
Marshall Islands, Monaco, New Zealand, Norway, Philippines,
Poland, Portugal, Romania, Slovakia, Spain and Sweden:
draft resolution

Protection of United Nations personnel

The General Assembly,

Recalling its resolutions 51/137 of 13 December 1996 and 51/227 of
3 April 1997, and Commission on Human Rights resolution 1997/25 of
11 April 1997,

Mindful that a special attention for the safety and security of United
Nations and other personnel acting under the authority of the United Nations
operations is required owing to the growing number of assignments entrusted to
the United Nations system by Member States,

Gravely concerned at the recent increase in attacks and the use of force
against United Nations and other personnel acting under the authority of the
United Nations operations, including murder, physical and psychological threats,
hostage taking, shooting at vehicles and aircraft, mine-laying, looting of
assets and other hostile acts, and in that context welcoming the statement by
the President of the Security Council on security of United Nations operations
dated 12 March 1997,



Guided by the relevant principles on protection contained in the Convention on the Privileges and Immunities of the United Nations,¹ the Convention on the Privileges and Immunities of the Specialized Agencies² and the Convention on the Safety of United Nations and Associated Personnel,³

Noting that since its adoption on 9 December 1994, only 43 Member States have signed the Convention on the Safety of United Nations and Associated Personnel and only 14 have ratified it,

1. Takes note with appreciation of the report of the Secretary-General on the situation of United Nations personnel and their families⁴ and of the developments indicated therein;

2. Urges all States:

(a) To respect and ensure respect for the human rights of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, and to take the necessary measures to ensure the safety and security of that personnel, as well as the inviolability of United Nations premises, which are essential to the continuation and successful implementation of United Nations operations;

(b) To ensure the speedy release of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who have been arrested or detained in violation of their immunity, in accordance with the relevant conventions referred to in the present resolution and applicable international humanitarian law;

3. Calls upon all States:

(a) To consider becoming parties to the Convention on the Safety of United Nations and Associated Personnel;¹

(b) To provide adequate and prompt information concerning the arrest or detention of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation;

(c) To grant the representative of the competent international organization immediate and unconditioned access to such personnel;

(d) To allow independent medical teams to investigate the health of detained United Nations and other personnel carrying out activities in

¹ Resolution 22 A (I).

² Resolution 179 (II).

³ Resolution 49/59, annex.

⁴ A/52/548.

fulfilment of the mandate of a United Nations operation, and to afford them the necessary medical assistance;

(e) To allow representatives of the competent international organization concerned to attend hearings involving United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, provided that such attendance is consistent with domestic law;

4. Decides to request the Secretary-General:

(a) To take necessary measures to ensure full respect for the human rights, privileges and immunities of the United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, and when those human rights, privileges and immunities are violated, to ensure that such personnel are restored to their organization, and, where appropriate, to seek redress and compensation for the damage caused to them;

(b) To consider ways and means, until the Convention has entered into force, to strengthen the protection of the United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, notably by seeking the inclusion, in negotiations of headquarters and other mission agreements concerning United Nations and associated personnel, of the applicable conditions contained in the Convention on the Privileges and Immunities of the United Nations,¹ the Convention on the Privileges and Immunities of the Specialized Agencies,² and the Convention on the Safety of United Nations and Associated Personnel;³

(c) To take the necessary measures falling within his responsibilities to ensure that security matters are an integrated part of the planning for an operation, and that such precautions extend to all United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation;

(d) To take the necessary measures to ensure that United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation be properly informed and suitably trained so as to enhance their security and effectiveness in accomplishing their functions;

(e) To take the necessary measures to ensure that United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation be properly informed about the scope of that mandate and the standards, including those contained in relevant domestic and international law, that they are required to meet;

(f) To make available to the Commission on Human Rights at its fifty-fourth session the independent study that was requested at its fifty-third session on the safety and security problems faced by United Nations and other personnel carrying out activities in the fulfilment of the mandate of a United Nations operation;

(g) To submit to the General Assembly at its fifty-third session a report on the situation of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who are imprisoned, missing or held in a country against their will, on cases that have been successfully settled, and on the implementation of the measures referred to in the present resolution.



General Assembly

Distr.
LIMITED

A/C.3/52/L.51
19 November 1997

ORIGINAL: ENGLISH

Fifty-second session
THIRD COMMITTEE
Agenda item 112 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS,
INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING
THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Afghanistan, Argentina, Armenia, Australia, Austria, Belarus,
Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Côte
d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Ethiopia,
Fiji, Finland, Georgia, Greece, Guatemala, Hungary, Iceland,
Israel, Italy, Latvia, Lithuania, Malta, Monaco, Norway, Panama,
Philippines, Portugal, Republic of Korea, San Marino, Slovakia,
Slovenia, Sudan, Sweden, the former Yugoslav Republic of
Macedonia, Ukraine and United Kingdom of Great Britain and
Northern Ireland: draft resolution

Effective promotion of the Declaration on the Rights of
Persons Belonging to National or Ethnic, Religious and
Linguistic Minorities

The General Assembly,

Recalling its resolution 47/135 of 18 December 1992, as well as its
subsequent resolutions on the Declaration on the Rights of Persons Belonging to
national or Ethnic, Religious and Linguistic Minorities,

Considering that the promotion and protection of the rights of persons
belonging to national or ethnic, religious and linguistic minorities contribute
to political and social stability and peace and enrich the cultural heritage of
society as a whole in the States in which such persons live,

Concerned by the growing frequency and severity of disputes and conflicts
concerning minorities in many countries, and their often tragic consequences,



and concerned also that persons belonging to minorities are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities by, inter alia, taking due account of and giving effect to the Declaration,

Noting that the Working Group on Minorities of the Subcommission on Prevention of Discrimination and Protection of Minorities held its third session from 26 to 30 May 1997, and that its report will be made available to the Commission on Human Rights,

1. Takes note of the report of the Secretary-General;¹
2. Reaffirms the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;
3. Urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country;
4. Also urges States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration;
5. Recognizes that respect for human rights and the promotion of understanding and tolerance by Governments as well as between and among minorities are central to the protection and promotion of the rights of persons belonging to minorities;
6. Appeals to States to make bilateral and multilateral efforts, as appropriate, in order to protect the rights of persons belonging to national or ethnic, religious and linguistic minorities in their country, in accordance with the Declaration;
7. Calls upon the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities;

8. Calls upon the United Nations High Commissioner for Human Rights to promote, within her mandate, the implementation of the Declaration and to continue to engage in a dialogue with Governments concerned for that purpose;

9. Requests the High Commissioner to continue her efforts to improve the coordination and cooperation among United Nations programmes and agencies on activities related to the promotion and protection of the rights of persons belonging to minorities and to take the work of relevant regional organizations active in the field of human rights into account in her endeavours;

10. Welcomes the inter-agency consultation of the High Commissioner with United Nations programmes and agencies on minority issues and calls upon those programmes and agencies to contribute actively to this process;

11. Urges all treaty bodies to give due regard, within their respective mandates, on the promotion and protection of the rights of persons belonging to minorities;

12. Calls upon all special representatives, special rapporteurs and working groups of the Commission on Human Rights to continue to give attention, within their respective mandates, to situations involving minorities;

13. Encourages intergovernmental as well as non-governmental organizations to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

14. Expresses its expectation that the Working Group on Minorities of the Subcommission on Prevention of Discrimination and Protection of Minorities will further implement its mandate and continue to hold one session annually, with the involvement of a wide range of participants;

15. Requests the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution under the item entitled "Human rights questions".



General Assembly

Distr.
LIMITED

A/C.3/52/L.52
19 November 1997

ORIGINAL: ENGLISH

Fifty-second session
THIRD COMMITTEE
Agenda item 112 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING
ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT
OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Afghanistan, Angola, Argentina, Armenia, Australia, Austria,
Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria,
Canada, Costa Rica, Côte d'Ivoire, Cyprus, Denmark, Ecuador,
Finland, Georgia, Germany, Greece, Hungary, Iceland,
Ireland, Italy, Japan, Lithuania, Luxembourg, Malta, Monaco,
New Zealand, Norway, Paraguay, Philippines, Portugal,
Republic of Moldova, San Marino, Slovakia, Slovenia, Spain
and Sweden: draft resolution

Human rights in the administration of justice

The General Assembly.

Recalling its resolution 50/181 of 22 December 1995, and taking note of Commission of Human Rights resolution 1996/32 of 19 April 1996 and decision 1997/106 of 11 April 1997^a on human rights in the administration of justice, in particular of children and juveniles in detention,

Bearing in mind the principles embodied in articles 3, 5, 9 and 10 of the Universal Declaration of Human Rights^b and the relevant provisions of the

^a Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1996/23), chap. II, sect. A.

^b Ibid., 1997, Supplement No. 3 (E/1997/23), chap. II, sect. B.

^c Resolution 217 A (III).



International Covenant on Civil and Political Rights and the Optional Protocols thereto,² in particular article 6 of the Covenant, which explicitly states that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below eighteen years of age,

Bearing in mind also the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,³ the International Convention on the Elimination of All Forms of Racial Discrimination⁴ and the Convention on the Rights of the Child,⁵

Mindful of the Convention on the Elimination of All Forms of Discrimination against Women,⁶ in particular of the obligation of States to treat men and women equally in all stages of procedures in courts and tribunals,

Recalling in particular article 37 of the Convention on the Rights of the Child, according to which every child deprived of liberty shall be treated in a manner which takes into account the needs of persons of his or her age,

Calling attention to the numerous international standards in the field of the administration of justice,

Welcoming the Guidelines for Action on Children in the Criminal Justice System,⁷ including the establishment of a coordination panel on technical advice and assistance in juvenile justice,

Welcoming the important work of the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice in the field of human rights in the administration of justice and emphasizing the importance of coordinating the activities carried out under their responsibility,

Acknowledging the important role of the regional commissions, specialized agencies and United Nations institutes in the area of human rights and crime prevention and criminal justice, and of other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field,

Aware of the need for special vigilance with regard to the vulnerable situation of children and juveniles, as well as women and girls in detention,

² See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

³ Resolution 39/46, annex.

⁴ Resolution 2106 A (XX), annex.

⁵ Resolution 44/25, annex.

⁶ Resolution 34/180, annex.

⁷ Economic and Social Council resolution 1997/30, annex.

1. Reaffirms the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;
2. Reiterates its call to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;
3. Invites Governments to provide training, including gender-sensitive training, in human rights in the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers and other professionals concerned, including police and immigration officers;
4. Invites States to make use of technical assistance offered by the United Nations programmes of technical assistance, in order to strengthen national capacities and infrastructures in the field of administration of justice;
5. Invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;
6. Calls upon the Secretary-General to strengthen system-wide coordination in the field of administration of justice, in particular between the United Nations programmes in the field of human rights and crime prevention and criminal justice;
7. Calls upon the United Nations High Commissioner for Human Rights, as well as mechanisms of the Commission on Human Rights and its subsidiary body, including special rapporteurs, special representatives and working groups, to continue to give special attention to questions relating to the effective promotion of human rights in the administration of justice, and to provide, where appropriate, specific recommendations in this regard, including proposals for measures of advisory services and technical assistance;
8. Invites the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice to coordinate closely their activities relating to the administration of justice;
9. Decides to consider the question of human rights in the administration of justice at its fifty-fourth session under the item entitled "Human rights questions".



General Assembly

Distr.
LIMITED

A/C.3/52/L.53
19 November 1997

ORIGINAL: ENGLISH

Fifty-second session
THIRD COMMITTEE
Agenda item 112 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS,
INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING
THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Angola, Argentina, Australia, Austria, Belgium, Bolivia, Bosnia
and Herzegovina, Botswana, Brazil, Bulgaria, Chile, Colombia,
Costa Rica, Côte d'Ivoire, Cyprus, Czech Republic, Dominican
Republic, Ecuador, El Salvador, Ethiopia, Fiji, Finland, France,
Germany, Greece, Guatemala, Guinea-Bissau, Guyana, Haiti,
Iceland, India, Israel, Italy, Japan, Kenya, Lesotho, Luxembourg,
Malta, Marshall Islands, Monaco, Morocco, Namibia, Nicaragua,
Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea,
Republic of Moldova, Romania, San Marino, Slovenia, South Africa,
Spain, Thailand, the former Yugoslav Republic of Macedonia,
Turkey, Ukraine, United Kingdom of Great Britain and Northern
Ireland, United States of America, Uruguay and Venezuela:
draft resolution

Strengthening of the rule of law

The General Assembly,

Recalling that, by adopting the Universal Declaration of Human Rights,
Member States have pledged themselves to achieve, in cooperation with the United
Nations, the promotion of universal respect for and observance of human rights
and fundamental freedoms,

Firmly convinced that the rule of law is an essential factor in the
protection of human rights, as stressed in the Universal Declaration of Human

Resolution 217 A (III).

Rights, and should continue to attract the attention of the international community,

Convinced that through their own national legal and judicial systems States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Recognizing the importance of the role that can be played by the Office of the United Nations High Commissioner for Human Rights in supporting national efforts to strengthen the institutions of the rule of law,

Bearing in mind that, in its resolution 48/141 of 20 December 1993, the General Assembly entrusted the United Nations High Commissioner for Human Rights with, inter alia, providing advisory services and technical and financial assistance in the field of human rights, enhancing international cooperation for the promotion and protection of all human rights and coordinating human rights activities throughout the United Nations system,

Recalling the recommendation of the World Conference on Human Rights that a comprehensive programme be established within the United Nations with a view to helping States in the task of building and strengthening adequate national structures that have a direct impact on the overall observance of human rights and the maintenance of the rule of law,

Recalling also its resolution 51/96 of 12 December 1996 and Commission on Human Rights resolution 1997/48 of 11 April 1997,

1. Takes note with satisfaction of the report of the Secretary-General;
2. Praises the efforts made by the Office of the United Nations High Commissioner for Human Rights to accomplish its ever-increasing tasks with the limited financial and personnel resources at its disposal;
3. Expresses its deep concern at the scarcity of means at the disposal of the Office of the United Nations High Commissioner for Human Rights for the fulfilment of its tasks;
4. Notes that the programme of advisory services and technical assistance does not have sufficient funds to provide any substantial financial assistance to national projects that have a direct impact on the realization of human rights and the maintenance of the rule of law in countries that are committed to those ends but that face economic hardship;
5. Affirms that the Office of the United Nations High Commissioner for Human Rights remains the focal point for coordinating system-wide attention to human rights, democracy and the rule of law;

- See A/CONF.157/24 (Part I), chap. III, sect. II, para. 69.

³ A/52/475.

6. Welcomes the deepening of the ongoing dialogue initiated by the United Nations High Commissioner for Human Rights with other relevant bodies and programmes of the United Nations system with a view to enhancing system-wide coordination of assistance in human rights, democracy and the rule of law;

7. Encourages the High Commissioner to continue this dialogue, taking into account the need to explore new synergies with other organs and agencies of the United Nations system with a view to obtaining increased financial assistance for human rights and the rule of law;

8. Also encourages the High Commissioner to continue to explore the possibility of further contact with and support of financial institutions, acting within their mandates, with a view to obtaining technical and financial means to strengthen the capacity of the Office to provide assistance to national projects aiming at the realization of human rights and the maintenance of the rule of law;

9. Requests the High Commissioner to accord high priority to the technical cooperation activities undertaken by the Office with regard to the rule of law;

10. Takes note with appreciation of the proposal contained in the report of the Secretary-General that an analysis be undertaken of technical cooperation provided by the United Nations in the field of human rights with the aim of formulating recommendations for inter-agency coordination, funding and allocation of responsibilities in order to improve efficiency and complementarity of action concerning, inter alia, assistance to States in strengthening the rule of law;

11. Requests the Secretary-General to submit a report to the General Assembly at its fifty-third session on the results of the contacts established in accordance with the present resolution, as well as on any other developments pertaining to the implementation of the above-mentioned recommendation of the World Conference on Human Rights.



General Assembly

Distr.
LIMITED

A/C.3/52/L.54
19 November 1997

ORIGINAL: ENGLISH

Fifty-second session
THIRD COMMITTEE
Agenda item 112 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Andorra, Antigua and Barbuda, Argentina, Austria, Bahamas, Barbados, Belgium, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Guyana, Haiti, Hungary, Ireland, Israel, Italy, Jamaica, Japan, Luxembourg, Mexico, Monaco, Netherlands, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Spain, Sweden, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Venezuela: draft resolution

Human rights in Haiti

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights¹ and the International Covenants on Human Rights,

Recalling its resolution 51/110 of 12 December 1996, and taking note of Commission on Human Rights resolution 1997/52 of 15 April 1997,

Recognizing the interdependence and the mutual reinforcement between democracy, development and respect for human rights and fundamental freedoms and

¹ Resolution 217 A (III).

² Resolution 2200 A (XXI), annex.



the commitment of the international community in supporting, strengthening and promoting this principle,

Taking note of the reports of the independent expert of the Commission on Human Rights on the situation of human rights in Haiti, Mr. Adama Dieng,¹ who was appointed to assist the Government of Haiti to consider the development of the human rights situation in Haiti and to verify compliance by it with its obligations in that field, and the recommendations contained therein,

Welcoming and bearing in mind the report of the Secretary-General on the implementation of the programme of technical cooperation in Haiti,²

Recognizing the important contributions of the International Civilian Mission to Haiti, the United Nations Support Mission in Haiti, the United Nations Transition Mission in Haiti and the National Commission for Truth and Justice to the establishment of a climate of freedom and tolerance propitious to the respect for human rights and the restoration and spread of democracy in Haiti,

Welcoming the renewal by the General Assembly in its resolution 51/196 B of 31 July 1997 of the mandate of the International Civilian Mission to Haiti,

Welcoming also the efforts of the Government to improve the situation of human rights in Haiti, and noting the policy statements by Haitian authorities that the Government of Haiti remains committed to upholding human rights and improving accountability,

Expressing the hope that the Haitian people will shortly be able to express themselves once again through free, honest and transparent elections,

Expressing concern at the continuing problem of common crime, and noting the ongoing need for technical training of the Haitian National Police and for strengthening of the judicial system,

1. Expresses its thanks to the Secretary-General and his Special Representative for Haiti and to the independent expert of the Commission on Human Rights on the situation of human rights in Haiti for their continuing efforts in favour of the consolidation of democratic institutions in Haiti and the respect of human rights in that country;

2. Welcomes the report of the National Commission for Truth and Justice, as well as reports by the International Civilian Mission to Haiti on Haitian justice and on respect for human rights by the Haitian National Police, and urges the Government of Haiti to undertake appropriate follow-up action on the recommendations contained in those reports, with the support of the international community;

¹ E/CN.4/1997/89 and A/52/499.

² A/52/515.

3. Requests the Government of Haiti to publish the complete report of the National Commission for Truth and Justice and to make it widely available throughout the country, and to initiate legal action in serious cases;

4. Expresses concern at the security problems faced by Haitian society, which contribute to the shortcomings of the judicial system and the police apparatus, as noted in the reports of the independent expert;

5. Supports the reform of the judicial system currently being carried out by the Government of Haiti, which includes training in international humanitarian law and human rights, and emphasizes the priority of that reform in the framework of the bilateral and multilateral assistance provided by the international community, including that of the United Nations Development Programme;

6. Welcomes the establishment of the programme of technical cooperation prepared by the Office of the United Nations High Commissioner for Human Rights aimed at strengthening institutional capacity in the field of human rights, in particular in the areas of legislative reform, training of justice administration personnel and human rights education, and requests the Secretary-General to submit a report on the implementation of the programme to the General Assembly at its fifty-third session;

7. Invites the international community, including the Bretton Woods institutions, to continue their involvement in the reconstruction and development of Haiti, having regard to the fragility of the political, social and economic situation of the country;

8. Encourages the Government of Haiti to ratify the International Covenant on Economic, Social and Cultural Rights,⁵ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment⁶ and the Optional Protocols to the International Covenant on Civil and Political Rights;

9. Invites once again the Special Rapporteur on violence against women to consider favourably the invitation to visit the country extended to him by the Government of Haiti;

10. Decides to continue its consideration of the situation of human rights and fundamental freedoms in Haiti at its fifty-third session.

⁵ See resolution 2200 A (XXI), annex.

⁶ Resolution 39/46, annex.

⁷ See resolution 2200 A (XXI), annex, and resolution 44/128, annex.



General Assembly

Distr.
LIMITED

A/C.3/52/L.55
19 November 1997

ORIGINAL: ENGLISH

Fifty-second session
THIRD COMMITTEE
Agenda item 112 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING
ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT
OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Australia, Costa Rica and Namibia: draft resolution

United Nations Decade for Human Rights Education, 1995-2004, and
public information activities in the field of human rights

The General Assembly,

Guided by the fundamental and universal principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights,¹ according to article 26 of which "education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms", and the provisions of other international human rights instruments, such as those of article 13 of the International Covenant on Economic, Social and Cultural Rights,² article 10 of the Convention on the Elimination of All Forms of Discrimination against Women,³ article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination,⁴ article 29 of the Convention on the Rights of the Child, article 10 of the Convention Against Torture and Other Cruel, Inhuman or

¹ Resolution 217 A (III).

² See resolution 2200 A (XXI).

³ Resolution 34/180, annex.

⁴ Resolution 2106 A (XX), annex.

⁵ Resolution 44/25, annex.



Degrading Treatment or Punishment,^{*} and paragraphs 78 to 82 of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,^{*} which reflect the aims of the aforementioned article.

Recalling the relevant resolutions adopted by the General Assembly and the Commission on Human Rights concerning the United Nations Decade for Human Rights Education, 1995-2004, public information activities in the field of human rights, including the World Public Information Campaign on Human Rights, the project of the United Nations Educational, Scientific and Cultural Organization entitled "Towards a culture of peace", the implementation of and follow-up to the Vienna Declaration and Programme of Action, and the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights,

Believing that the World Public Information Campaign on Human Rights is a valuable complement to the activities of the United Nations aimed at the further promotion and protection of human rights, and recalling the importance attached by the World Conference on Human Rights to human rights education and information,

Convinced that each woman, man and child, to realize their full human potential, must be made aware of all their human rights and fundamental freedoms,

Convinced also that human rights education should involve more than the provision of information and should constitute a comprehensive lifelong process by which people at all levels of development and in all societies learn respect for the dignity of others and the means and methods of ensuring that respect,

Recognizing that human rights education and information are essential to the realization of human rights and fundamental freedoms and that carefully designed programmes of training, dissemination and information can have a catalytic effect on national, regional and international initiatives to promote and protect human rights and prevent human rights violations,

Convinced that human rights education and information contribute to a concept of development consistent with the dignity of women and men of all ages that takes into account particularly vulnerable segments of society such as children, youth, older persons, indigenous people, minorities, rural and urban poor, migrant workers, refugees, persons with human immunodeficiency virus/acquired immunodeficiency syndrome infection and disabled persons,

Taking into account the efforts to promote human rights education made by educators and non-governmental organizations in all parts of the world, as well as by intergovernmental organizations, including the Office of the United Nations High Commissioner for Human Rights, United Nations Educational, Scientific and Cultural Organization, the International Labour Organization and the United Nations Children's Fund,

^{*} Resolution 39/46, annex.

Recognizing the invaluable and creative role that non-governmental and community-based organizations can play in disseminating public information and engaging in human rights education, especially at the grass-roots level and in remote and rural communities,

Aware of the potential supportive role of the private sector in implementing at all levels of society the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004,⁸ and the World Public Information Campaign on Human Rights, through creative initiatives and financial support for governmental and non-governmental activities,

Convinced that the effectiveness of existing human rights education and public information activities would be enhanced by better coordination and cooperation at the national, regional and international levels,

Recalling that it is within the responsibility of the United Nations High Commissioner for Human Rights to coordinate relevant United Nations education and public information programmes in the field of human rights,

Considering that the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights in 1998 constitutes an invaluable opportunity for all members of the international community to enhance human rights education and information activities throughout the world,

Welcoming the decision of the Subcommission on Prevention of Discrimination and Protection of Minorities to place the question of the right to education, and in particular human rights education, on its agenda for the duration of the Decade,

1. Takes note with appreciation of the report of the Secretary-General⁹ on the United Nations Decade for Human Rights Education, 1995-2004, and public information activities in the field of human rights, including the World Public Information Campaign on Human Rights;

2. Welcomes the steps taken by Governments and intergovernmental and non-governmental organizations to implement the Plan of Action for the United Nations Decade for Human Rights Education,⁸ and to develop public information activities in the field of human rights, as indicated in the report of the Secretary-General;

3. Urges all Governments to contribute further to the implementation of the Plan of Action, in particular by establishing, in accordance with national conditions, broadly representative national committees for human rights education responsible for the development of comprehensive, effective and sustainable national plans of action for human rights education and information, taking into consideration the guidelines for national plans of action for human

⁸ A/49/261/Add.1-E/1994/110/Add.1, annex.

⁹ A/52/469 and Add.1.

rights education contained in the addendum to the report of the Secretary-General;¹³

4. Urges Governments to encourage, support and involve national and local non-governmental and community-based organizations in the implementation of their national plans of action;

5. Calls upon Governments, in accordance with their national conditions, to accord priority to the dissemination in their relevant national and local languages of the Universal Declaration of Human Rights,¹⁴ the International Covenants on Human Rights¹⁵ and other human rights instruments, human rights materials and training manuals, as well as reports of States parties under the human rights treaties, and to provide information and education in those languages on the practical ways in which national and international institutions and procedures may be utilized to ensure the effective implementation of those instruments;

6. Requests the United Nations Commissioner for Human Rights to continue to coordinate and harmonize human rights education and information strategies within the United Nations system, including the implementation of the Plan of Action, and to ensure maximum effectiveness and efficiency in the use, processing, management and distribution of human rights information and educational materials, including through electronic means;

7. Encourages the Office of the United Nations High Commissioner for Human Rights to continue to support national capacities for human rights education and information through its technical cooperation programme in the field of human rights, including the organization of training courses and the development of targeted training materials for professional audiences, as well as the dissemination of human rights information materials as a component of technical cooperation projects;

8. Urges the Office of Communications and Public Information of the Secretariat to continue to utilize United Nations information centres for the timely dissemination, within their designated areas of activity, of basic information, reference and audio-visual materials on human rights and fundamental freedoms, including the reports of States parties under human rights instruments and, to this end, to ensure that the information centres are supplied with adequate quantities of those materials;

9. Stresses the need for close collaboration between the Office of the High Commissioner and the Office of Communications and Public Information in the implementation of the Plan of Action and the World Public Information Campaign on Human Rights and the need to harmonize their activities with those of other international organizations such as the United Nations Educational, Scientific and Cultural Organization with regard to its project entitled "Towards a culture of peace" and the International Committee of the Red Cross and relevant

¹³ A/52/469/Add.1.

¹⁴ Resolution 2200 A (XXI), annex.

non-governmental organizations with regard to the dissemination of information on international humanitarian law;

10. Invites the specialized agencies and relevant United Nations programmes and funds to contribute, within their respective spheres of competence, to the implementation of the Plan of Action and the World Public Information Campaign on Human Rights and to cooperate closely with the Office of the High Commissioner in that regard;

11. Encourages the human rights treaty bodies to place emphasis, when examining reports of States parties, on obligations of States parties in the area of human rights education and information and to reflect this emphasis in their concluding observations;

12. Calls upon international, regional and national non-governmental organizations and intergovernmental organizations, in particular those concerned with women, labour, development, food, housing, education, health care and the environment, as well as all other social justice groups, human rights advocates, educators, religious organizations and the media, to undertake specific activities of formal, non-formal and informal education, including cultural events, alone and in cooperation with the Office of the High Commissioner, in implementing the Plan of Action;

13. Encourages Governments and intergovernmental and non-governmental organizations to undertake human rights education and information initiatives in accordance with the Plan of Action and the World Public Information Campaign on Human Rights as a contribution to the commemoration of the fiftieth anniversary of the Universal Declaration on Human Rights;

14. Encourages the Commission on Human Rights to consider jointly, for the duration of the Decade, the question of the United Nations Decade for Human Rights Education and public information activities in the field of human rights, including the World Public Information Campaign on Human Rights;

15. Requests the Secretary-General, in cooperation with the Office of the High Commissioner, to consider appropriate ways and means, including the possibility of establishing a voluntary fund, to support human rights education activities, including those undertaken by non-governmental organizations;

16. Requests the Secretary-General, through the United Nations High Commissioner for Human Rights, to bring the present resolution to the attention of all members of the international community and to intergovernmental and non-governmental organizations concerned with human rights education and public information, and to submit to the General Assembly at its fifty-third session a comprehensive report on the implementation of the present resolution for consideration under the item entitled "Human rights questions".



General Assembly

Distr.
LIMITED

A/C.3/52/L.55/Corr.1
20 November 1997

ORIGINAL: ENGLISH

Fifty-second session
THIRD COMMITTEE
Agenda item 112 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS,
INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING
THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Australia, Costa Rica and Namibia: draft resolution

United Nations Decade for Human Rights Education, 1995-2004, and
public information activities in the field of human rights

Corrigendum

The list of sponsors should read

Angola, Australia, Austria, Bangladesh, Barbados, Bolivia,
Burkina Faso, Chile, Costa Rica, Dominican Republic, Ecuador,
El Salvador, France, Guatemala, Israel, Italy, Japan, Lesotho,
Liberia, Malawi, Mauritius, Mongolia, Morocco, Mozambique,
Namibia, Nigeria, Panama, Paraguay, Rwanda, Sierra Leone,
Slovenia, Solomon Islands, South Africa, Trinidad and Tobago,
Turkmenistan, United Republic of Tanzania, Venezuela, Zambia
and Zimbabwe: draft resolution

